

ALFRED CHILDERS.

JUNE 9, 1910.—Ordered to be printed.

Mr. BULKELEY, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 2469.]

The Committee on Military Affairs, to whom was referred the bill S. 2469, to correct the military record of Alfred Childers, have given the same very careful consideration and report it back with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That in the administration of the pension laws, Alfred Childers, who was a private in Company I, Seventh Regiment, Kentucky Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the thirtieth day of August eighteen hundred and sixty-two: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

Amend the title to read, "A bill for the relief of Alfred Childers."

As amended your committee recommend that the bill do pass.

This soldier was enrolled December 25, 1861, and was mustered December 31, 1861, to serve three years. On August 30, 1862, he was captured at Richmond, Ky., and paroled at that place on the same date.

It is claimed by the War Department that when this man was paroled it was his duty to report to one of the camps for paroled prisoners of war that were established by military authorities, and on his failure to do so he was considered as a deserter.

The department further states that by reason of War Department order dated November 19, 1862, all officers and enlisted men captured at or near Richmond, Ky., at the time when Alfred Childers was captured were declared exchanged; that the order was widely published at the time of its issue, and under the terms thereof Childers should have promptly reported to military control.

Numerous affidavits show that the soldier returned to his home about the time of the alleged desertion, and was not in a strong physical condition; and intimation is made in some of the affidavits that after returning to his home the orderly sergeant and other comrades

returned to their regiments, the orderly sergeant ordering Childers to remain home, as he was unfit for transfer, and that he, the orderly sergeant, would notify him of the location of his regiment, which he failed to do.

It also appears from the evidence that the soldier, Alfred Childers, presented himself to General Frye, at Burnside, Ky., some time later, for enlistment, but on account of his physical condition was refused.

Your committee believe, in view of all the facts in the case, that the bill in the form as above amended affords the soldier only the equitable relief to which he is entitled.

Attention is respectfully invited to the report of the War Department and sundry affidavits hereto attached and made a part of this report:

Case of Alfred Childers, late private Company I, Seventh Kentucky Volunteer Infantry.

It is shown by the records that Alfred Childers was enrolled December 25, 1861, at Camp Calvert, and was mustered into service December 31, 1861, as a private in Company I, Seventh Kentucky Infantry, to serve three years. He was captured at Richmond, Ky., August 30, 1862, and paroled at that place on the same day. Failing to return to his command, he was dropped from the records as a deserter. It does not appear that he was ever under military control after August 30, 1862, although his company remained in service until March 11, 1866, or that he ever reported his whereabouts or the cause of his absence to the military authorities of the United States.

Applying to this department for removal of the charge of desertion and for an honorable discharge, Alfred Childers, a resident of Pulaski County, Ky., testified, May 25, 1887, as follows:

"That he is the Identical Alford Childress who was enrolled on the 22 day of September 1861 in Co. I, the 7 Regiment in Co. I of the 7 Regiment of Kentucky Infantry for three years or duren the war Captured Otober 1862 being enganed in a fight with a foarse of Rebblles at Richmond Kentucky that his personal description is as follows Age 51 years height 5 feet 10 inches Complexion dark hair blue eyes that while a member of the organization aforesad in the Service and in line of his duty at Richmond Ky in the State of Kentucky on or about the first day of October 1862 was captured in line of his duty and enganed in the fight with a foarse of Rebblles and was pay roaled and never exchanged to the knollege of the to the knolledge of clament Repoarted him Self to General fry at Campe burnside Ky and others and had to Scout wround in wagon traines for Saftey and was not Presandt an never was discharged."

Upon this presentation of the case the applicant's attorney was advised by this department on August 17, 1887, that it appeared that the soldier, having been captured by the enemy and paroled, instead of proceeding in accordance with orders existing at the time to one of the camps established in the different parts of the country for the accommodation of paroled prisoners, kept outside of military control during the remainder of the war, and thus became a deserter, and that there was no warrant of law for the removal of the charge of desertion standing against the soldier, in view of which fact the application for relief was denied.

The status of the case remained unchanged until the year 1893, when another attorney submitted testimony with the view of establishing that the soldier was prevented from completing his term of enlistment by disability in the line of duty, Childers again testifying, June 3, 1893, as follows:

"That he is the identical Alferd Childers who was a private in Company I in the 7 Regiment Kentucky Infnty that he was enlisted in said company and regiment on or about the 31 day of Dec. 1861, at Camp Calvert, in the County of Laurel and State of Kentucky, by Capt. W. A. Lozier mustered into service on or about the 31 day of Dec. 1861 at Camp Calvert in the County of Laurel and State of Kentucky, that he served faithfully until on or about the 30 day of August 1862, when, without any intention of deserting, he left the regiment under the following circumstances: I was detailed to go with others of my regiment in Charge of the artillery horses and other stock belonging to the army to take them a way preparitory to evacuating Cumberland gap I went through with said stock as far as richmond Ky. whene we was overtaken by the rebels and was all Captured I was kept about 4 days by the rebels and

was paroled I then went to my home in Knox County Ky. I was taken sick while in the hands of the rebels and was sick when I got home I suffered for about two months with Jaundice and pneumonia fever and was not able to return to my regiment during said 2 months I reported my sickness to the regiment through Comrad soldiers I went with a waggon train to Knoxville Tenn. trying to find my regiment and could not find it I also reported to Col Eaves at Burnside Ky."

Childers once more testified, November 2, 1893, as follows:

"That he served faithfully until about the 30 day of August 1862, when, without any intention of deserting, he left the regiment under the following circumstances: "he was detailed to go with others of his Regiment in Charge of the artillery horses and other stock belonging to the army to take them away preparatory to evacuating Cumberland gap he went through with said stock as far as richmon Ky when they wer overtaken by the Enemy and in the fight which occurd then and there he was Captured and held a prisner about 4 days by the rebels he was then paroled and went to his home in Knox County Ky he was in bad helth when he got home and soon after was afflicted with Jaundice and pneumony fever he was not able to report to his said regiment untell it was gon out of his knowledge When Claimant got able he went to pulaski County Ky and reported to Lieutenant G. C. Freeman of the 12 Ky infy who was in said County recruiting said Freeman wrote to head quarters and got no answer Claimant then went to Burnside and reported to Col Eves at the 49 Ky infy he then went to Crab orchard Ky with government waggon train at Crab orcherd he was ordered to drive a waggon to Knoxville Tenn and Could not find his regiment or get to it at any time untell it was mustered out of the service."

William Griffis, a resident of Greenwood, Ky., testified, December 27, 1893, as follows:

"I become acquainted with the above named applicant on or about the month of October 1862 at which time applicant was in bad helth I do not believe that applicant was able when I first got acquainted with him to rejoin his regiment and perform any military duty and has not been unto the present time I am enabled to make the above statement by seeing Claimant often and noticing his Condition and furnishing applicant with grub for himself and family on account of Claimants weakly Condition I further state that I Can not Write and that this affidavit was written by W J Ward at my house near greenwood Ky on the 27 day of Dec 1893 in my presance I further state that I have not been guided or influenced in making said statements by any written or printed statement of any other person but from my orral statements from my memory."

Emily Griffis, a resident of Greenwood, Ky., testified December 28, 1893, as follows:

"I have been well aquainted with the above named Claimant during the last 40 years I remember that on or about the month of Oct 1862 Claimant Come to my home and was in very poor helth I also understood that Claimant had Just returned from the army I do not beleive that Claimant was abl to reJoin his Regiment or perform any military duty from the month of Oct 1862 untel the Close of the Ware of the rebellion I was not able to examine Claimant with the skill of a good phisition but to the best of my Judgment he was afflicted with pneumony fever I am enabled to know the above to be true by seeing Claimant often and noticing his pale and weakly apearance and allso I helped him with provision before the Ware Closed for the support of himself and family I further state that I Can not write and that this affidavit was written in my presance by W J Ward on the 28 day of Dec 1893 near greenwood Ky and from my orral statements with out the aid of any written or printed or printed statement of any other person and from my memory."

Elias Childers, a resident of Parkers Lake, Ky., testified December 28, 1893, as follows:

"I have been well aquainted with the above named applicant all my life I remember that applicant Come home out of the army and was sick this was on or about the month of Sept 1862 applicant seemed to be afflicted with relaps of pneumony fever and was deseased in his hips so that he Could not walk for a long time Claimant was never able to reJoin his Regiment untell said Regt was mustered out of service and has never been able unto this day to perform any military duty I know the above statements to be true by being well acquainted with Claimant and liveing near him and nursing him a great deal dureing his said sickness and I have all so saw him try to reJoin his regiment I Can not write and this affidavit was written by W J Ward at parkers Lake Ky on the 28 day of Dec 1893 and I further Certify that said writeing was don in my presance and from orral statements and I also state that I have not been guided or influenced in making said statements by any written or printed statement dictated by any other person."

David A. Davis, a resident of Somerset, Ky., testified, January 10, 1894, as follows: "He drew a petition for the Removal of the charge of desertion for Alfred Childers and He claimed to be Physically disabled from Ever ReJoin His Regiment after his capture if it is not So Stated in the first application that I drew it was overlooked and neglected by me for he had that statement this affidavit I read myself and Just as I no the facts to be true."

Hiram Childers, a resident of Somerset, Ky., testified, January 10, 1894, as follows: "I have been acquainted with the above named Claimant ever since I Can remember I saw said Claimant on or about Sept 1862 as near as I Can remember at which time Claimant had been in the hands of the rebels as I understood and was paroled by them said Claimant was at his home in Knox County Ky sick at the time above mentioned I do not believe that Claimant was ever able after his said sickness to reJoin his regiment or perform military service I know of no opportunity that Claimant had to report to any provost Marshall untill the Close of the late War I am able to make the above statements by my memory having taken Care of Claimant in time of his said sickness feeding him and hiding Claimant from the rebels who Charged Claimant with aiding bushwhackers I am a poor pensman and this affidavit was written by W J Ward in my presence and from my oral statements at Somerset Ky on the 10 day of Jan 1894 from my memory I further state that I have not been guided or influenced in making the above statements by any written or printed statement."

Richard Perry, a resident of Flatrock, Ky., testified, February 8, 1894, as follows: "I was acquainted with Alfred Childers the above named applicant in the month of October 1862 and I further state that said applicant was very poorly and not able to perform any military duty at the time above mentioned affiant further states that it has been so long ago that he Can not remember what disease applicant had affiant further states that applicant has not as affiant believes ever been able to perform any military duty up to the present time affiant knows the above to be true by noticing applicants feeble Condition from 1862 more or less up to the present time affiant further states that he Can not write and that this affidavit was written by W J Ward on the 8 day of Feb 1894 near Flatrock Ky from his oral statements and that he has not been guided or influenced in making the above statements by any Written or printed statement but from his own personal knowledge."

Alfred Childers once more testified March 15 1894, as follows:

"Dr Wm Braddon and Dr Quincy Burton treated me in 1862 in Knox County Ky after I Come to Pulaski County I was treated by Dr C R Roberts untill the Close of the War the doctors above named are all Dead and I Could prove there deaths and Could prove that I was treated by all of said physicians."

E. R. Bruce, a resident of Coolidge, Ky., testified May 4, 1894, as follows:

"I was acquainted with the above named Claimant in the year 1862 I was a member of Co G 7 Ky Infy Vols I knew Claimant be for the War of the rebellion and have been acquainted with him since the War I remember that I hauled Claimant from Cumberland Ford Ky to Cartersville Ky in about May or June 1862 Claimant was then sick with the fever he become afflicted in his hips or limbs he looked very pale and Could not walk or get up when he was down I then soon found that Claimant was ordered to Richmond Ky in August or Sept 1862 and was Captured by the enemy I did not see Claimant any more untill the 7 Ky. Infy. was mustered out of the service in Oct 1864 I then noticed Claimant who was then very poorly and was not able for any military duty I know the above to be true by keeping a book of references of what happened during the late War and by noticing Claimant this affidavit was written by W J Ward on the 4 day of May 1894 in my presence and from my oral statements and I further state that I have not been guided or influenced in making the above statements by any written or printed statement but from my memory except as above stated."

Mary Childers, a resident of Somerset, Ky., testified May 31, 1894, as follows:

"I was acquainted with Alfred Childers the above named Claimant on or about the month of August 1862 at which time Claimant Come to his home in Knox County Ky as I understood from the army having been Captured by the rebels a few days before Claimant was very sick on his arrival home he appeared to be suffering in his back and hips Claimant was not able at the time above mentioned to perform any military duty or any other manual labor I further state that I was well acquainted with Claimant from the time above mentioned untill the Close of the late war which I think was in the year 1865 and I know that said Claimant was not able from the time that he arrived home in 1862 to the Close of the War in 1865 to perform any military duty I know the above statements to be true by being a great deal in Claimants Company during his said sickness and by living at Claimants house a good deal

of my time and waiting on him and noticing Claimants pale and suffering Condition durement his said sickness I Can not write and W J Ward wrote this affidavit in my presance and from my orral statements and I further state that I have not been guided or influenced in making the above statements by any written or printed statement."

Alexander Strunk, a resident of Parker's Lake, Ky., testified April 2, 1898, as follows:

"The above named Claimant was not able to return to his regiment or perform any military duty after his return home from the army in 1862 I further say that Claimant was unable for the performance of any military duty from the time of his arrival home from the army untill 1867 and is yet an invallid I am able to make the above statements by seeing Claimant soon after his arrival home from the army and noticing his pale and prostrate physical Condition."

Daniel King, a resident of Flat Rock, Ky., testified April 2, 1898, as follows:

"The above named Claimant was not able in 1862 to return to his regiment or perform any military duty said Claimant was not able to perform any military duty from 1862 untill 1867 neither is he yet able I am able to make the above statements by seeing Claimant in 1862 uppon his return home from the army and noticing Closly his pale and prostrate Condition I have also been well acquainted with Claimant untill the presant time Claimants disability when he Came home from the regt and up to the presant time is weakness in hips and dropsy of scrotum I saw Dr Jasper tap Claimant in the bag and let out Considerable water."

Hiram Childers, a resident of Pulaski, Ky., testified March 24, 1902, as follows:

"Affiant Hiram Childress states I no clamant He Enlisted in Co I 7 Regt Ky Infant vols in 1861 in December He was a sound able boddied man at his his Enlistment or had that appearenc clamant was capt in august 1862 and I saw him Soon after his capur He was complanning of his hips and He said it was caused By feaver I further stat I wated on him when he had fever clamant wer not able to go to his Comand at any time after he was captured clamant had what was Cauld Dropsey of the Scotrum I am not Concerned in this clam neither have I aney interest in it."

Elias Childers again testified April 7, 1902, as follows:

"I have known this Claimant durement the last fifty years said soldier was was captured by the rebels on or about the last of august 1862 and was parolled by the rebels and Come or was helped home soldier was very feeble on his arrival home he was afflicted with what Dr Burton called pneumonia fever—Soldier Come very near dying as the fever abated he was then afflicted with scrotal dropsy I attended soldier through a Great portion of his said sickness soldier tried to get back to his regiment and rode my horse but was not able to travel and become exhausted and had to return to his home I saw the paroll that soldier received from the rebels their was others Captured with soldier."

John W. Smith, a resident of Funkston, Ky., testified April 10, 1902, as follows:

"I have known this Claimant durement the last 60 years I remember that Claimant Come home from the army on or about august 1862 and had a paper in his posession that was Called a parole which Claimant Claimed that he got from the rebels I was with Claimant durement his sickness for many days he was suffering with pneumonia fever Claimant wanted to go to his regiment and started on horse back and give out and returned to his home Claimant has never been able to perform military duty since his said sickness he has been afflicted with dropsy of the scrotum since the above described fever I thought that Claimant would die for quite a long time."

At the time when this man was paroled it was his duty, as already stated, to report to one of the camps for paroled prisoners of war that were established by the military authorities, which he failed to do. With respect to his allegation that he was never exchanged it should be stated that in a War Department order dated November 19, 1862, all officers and enlisted men captured at or near Richmond, Ky., at the time when this man was captured were declared exchanged. This order was widely published at the time of its issue, and under the terms thereof Childers should have promptly reported to military control. Failing to do so, he became a deserter from the military service of the United States.

Application for removal of the charge of desertion and for an honorable discharge in the case of this soldier has been repeatedly denied by the War Department, and now stands denied, on the ground that the soldier did not complete his term of enlistment; that the testimony originally submitted by him indicates that he was not prevented from completing it by disability incurred in the line of duty, and that the testimony afterwards submitted by him is wholly inadequate to establish that he was prevented by physical disability from completing his term of enlistment or returning to the company prior to the date on which it was mustered out of service,

and because the case does not come within any of the other provisions of the act of Congress approved March 2, 1889, which is the only law in force governing the subject of removal of charges of desertion.

Respectfully submitted.

F. C. AINSWORTH,
The Adjutant-General.

WAR DEPARTMENT,
The ADJUTANT-GENERAL'S OFFICE,
May 28, 1909.

The SECRETARY OF WAR.

I am acquainted with the applicant, Alfred Childers. I have known him for fifty years. I know he belonged to the Seventh Kentucky Regiment of Infantry, Company I, Colonel Garrett's regiment. He was captured by the confederates at Richmond, Ky., in August, 1862, and in a short time was paroled. I know he was sick at that time and remained so for a long time.

HIRAM CHILDRESS.

Subscribed and sworn to by Hiram Childress before me October 9, 1909.

[SEAL.]

MAT H. BARNETT,
Clerk Pulaski County Court.

This is to certify that I, Alvin Taylor, am 59 years of age and reside at Barren Fork, Pulaski County, Ky. I also certify that I have known Alfred Childress, of Tateville, Ky., since the year 1862, and that the facts stated below are true, according to my knowledge and belief. I also certify that the said Alfred Childress was captured at Richmond, Ky., August, 1862, by the Confederate forces, and on the fourth day after his capture was paroled and started with other comrades for his home in Knox County, Ky. Upon reaching home and being unable to travel, the orderly sergeant and other comrades went on to their regiment at Cumberland Gap and reported that said Alfred Childress was too sick to travel. I also certify that the said orderly sergeant and others returned to their homes, after which it was agreed that the said Alfred Childress and others should meet on a certain day at Nancy Dowis's horse mill for the purpose of returning to their regiment together, and upon meeting together at said horse mill it became known that the regiment had left Cumberland Gap, and the orderly sergeant, G. S. Dowis, advised and ordered the said Alfred Childress on account of his physical condition not to undertake to go with them to his regiment, but promised said Childress to write him when he and others had reached said regiment, telling him of its whereabouts and directing him what to do, in order that the said Childress might join his regiment. Said orderly sergeant failed to notify said Childress how and where to reach said regiment, and upon this failure said Alfred Childress reported to Green C. Freeman, a recruiting officer for the Twelfth Kentucky, and sought his advice in order to reach said regiment, and the said Freeman informed the said Alfred Childress that he would write headquarters for the purpose of locating said regiment, but that the said Freeman was unable to locate same, and after this failure said Childress reported to General Frye at Burnside, Ky., for the purpose of enlisting with said Frye, but on account of his physical condition the said Frye refused to enlist said Childress and directed him to return home; and upon being refused enlistment the said Childress requested the said Frye to send him to the convalescent camps at Lexington, Ky., which request was refused by said Frye upon the grounds that the said Childress was unable to travel. I also certify that the said Childress's failure to reach his regiment was due first to his being unable physically to travel, and from the further fact that all the officers to whom he reported for advice and orders were not able to locate for him his regiment, and his failure to reach said regiment and return to service was not due to fault of said Childress in any way or particular.

ALVIN (his x mark) TAYLOR.

Subscribed and sworn before me this 5th day of November, 1909.

[SEAL.]

M. H. BARNETT, *Clerk, Pulaski County, Ky.*
By L. GASTINEAU, *Deputy Clerk.*

The affiant, Alfred Childers, after being sworn according to law, states that he is 73 years of age and resides at Tateville, Ky., and that he is the identical person who enlisted in Company I, Seventh Kentucky Infantry, in the latter part of December, 1861, at London, Ky. Affiant also states that he was detailed at Cumberland Gap and sent to Richmond, Ky., where he was captured by the confederate forces; that on the fourth day after being captured he was paroled and started with other comrades to his home in Knox County, Ky., and upon reaching home, and being unable to travel any farther, the orderly sergeant and other comrades left this affiant at his home and went on to their regiment at Cumberland Gap and reported that this affiant was too sick to travel, the said comrades returning to their homes, after which it was agreed by this affiant and other comrades to meet on a certain day at Nancy Dowis's horse mill for the purpose of returning together to their regiment, and upon meeting together at said horse mill it was known that the regiment had left Cumberland Gap, and the orderly sergeant, G. S. Dowis, advised and ordered this affiant, on account of his physical condition, not to undertake to go with them to the regiment, but promised this affiant that when he and the other comrades had reached same he would write affiant, telling him where the regiment was and directing him what to do in order that this affiant might reach his regiment.

This affiant also states that the said Orderly Sergeant Dowis failed to notify him where and how to reach affiant's regiment, and upon this failure this affiant reported to Green C. Freeman, a recruiting officer for the Twelfth Kentucky, and sought his advice in order to reach his regiment, and the said Freeman informed affiant that he would write to headquarters for the purpose of locating affiant's regiment, but the said Freeman was unable to locate same, and that after this failure affiant reported to General Frye, at Burnside, Ky., for the purpose of enlisting with the said Frye, but on account of affiant's physical condition the said Frye refused to enlist this affiant and directed him to return home; and upon being refused enlistment the affiant requested said Frye to send him to the convalescent camps at Lexington, Ky., which request was refused by the said Frye on the grounds that this affiant was not able to travel.

The affiant also states that his failure to reach his regiment as set out above was due in the first place to his being physically unable to travel and from the further fact that all the officers to which he reported for advice and instructions were not able to locate for him his regiment, and that his failure to reach said regiment and return to the service is not due to the fault of this affiant in any way or particular.

ALFRED CHILDERS.

Subscribed and sworn to before me by Alfred Childers this 9th day of October, 1909.

[SEAL.]

B. H. BUEHLER,
Notary Public.

My commission expires January, 1912.



